



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3636

Introduced 2/24/2011, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

770 ILCS 60/34

from Ch. 82, par. 34

Amends the Illinois Mechanics Lien Act. Adds, to the provisions concerning a written demand by an owner of real estate to a mechanics lienholder stating that the lienholder must file suit within 30 days or the lien is forfeited, the requirement that this express warning be included in the written demand: the failure to respond to the notice within 30 days after receipt of the notice results in forfeiture of the lien.

LRB097 05212 AJ0 45261 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mechanics Lien Act is amended by changing
5 Section 34 as follows:

6 (770 ILCS 60/34) (from Ch. 82, par. 34)

7 Sec. 34. Notice to commence suit.

8 (a) Upon written demand of the owner, lienor, or any person
9 interested in the real estate, or their agent or attorney,
10 served on the person claiming the lien, or his agent or
11 attorney, requiring suit to be commenced to enforce the lien or
12 answer to be filed in a pending suit, suit shall be commenced
13 or answer filed within 30 days thereafter, or the lien shall be
14 forfeited. Such service may be by registered or certified mail,
15 return receipt requested, or by personal service.

16 (b) A written demand under this Section must contain the
17 following language in at least 10 point bold face type:
18 "Failure to respond to this notice within 30 days after
19 receipt, as required by Section 34 of the Mechanics Lien Act,
20 shall result in the forfeiture of the referenced lien."

21 (Source: P.A. 82-618.)